



PUBLIC NOTICE

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**Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554**

**DA 02-2280
September 13, 2002**

**NGS TELECOMMUNICATIONS, INC. SEEKS COMMISSION
DETERMINATION OF "EXEMPT TELECOMMUNICATIONS
COMPANY" STATUS UNDER THE PUBLIC UTILITY HOLDING
COMPANY ACT**

**NSD File No: ETC 02-05
Pleading Cycle Established**

Comments Due: September 20, 2002 Reply Comments Due: September 25, 2002

On **August 1, 2002**, **NGS Telecommunications, Inc. (NGS Telecommunications or Company)**, located at **301 Hammer Mill Road, Rocky Hill, Connecticut 06067**, filed an application requesting a determination by the Federal Communications Commission (FCC or Commission) that it is an "exempt telecommunications company" (ETC), pursuant to section 34(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA),¹ as amended by section 103 of the Telecommunications Act of 1996 (the Act).²

The application indicates NGS Telecommunications (to be renamed Woods Network Services, Inc.) is a Connecticut corporation, and is a wholly owned subsidiary of NU Enterprises, Inc., which is itself a wholly owned subsidiary of Northeast Utilities (NU). NU is a registered public utility holding company.

The application states NGS Telecommunications was formed to acquire the business assets of Woods Network Services, Inc., a Connecticut corporation located in Farmington,

¹See 15 U.S.C. §§ 79 *et seq.*

²See Pub. L. No. 104-104.

Connecticut. The transaction is tentatively scheduled to close on July 31, 2002. Simultaneous with or subsequent to the transaction, NGS Telecommunications will change its corporate name to Woods Network Services, Inc. The Company will be engaged in the business of providing the design, hardware, installation, training and maintenance support for computer network and phone system infrastructures. Services include designing the network and phone infrastructure cabling and related software. Hardware sales include peripheral networking hardware including routers, switches, network connections, fiber optic cable and phones. Installation includes installation of all hardware sales as well as T1 lines as well as the software necessary to run the networks including network management and security systems. Maintenance support is provided on all of the previously mentioned products and services.

The application indicates NGS Telecommunications will be engaged exclusively in the business of providing telecommunications and information services or products subject to the jurisdiction of the FCC and/or products or services that are related or incidental to the provision of such products or services within the meaning of section 34(a)(1) of the Public Utility Holding Company Act of 1935, as amended by section 103 of the Telecommunications Act of 1996.

In accordance with section 1.5004 of the Commission's rules, if the Commission does not issue an order denying an ETC application within sixty (60) days of receipt of an application, in this case **September 30, 2002**, the application will be deemed granted as a matter of law.³ In accordance with section 1.5003, a person applying in good faith for a Commission determination of ETC status is deemed to be an ETC from the date of receipt of the application, in this case **August 1, 2002**, until the date of Commission action pursuant to section 1.5004.⁴ In accordance with section 1.5005, the Secretary of the Commission is now notifying the Securities and Exchange Commission (SEC) that the Applicant is deemed to be an Exempt Telecommunications Company.⁵ In the event that the Commission issues an order denying the application within sixty (60) days of its receipt, the Secretary will so notify the SEC. Otherwise, the Commission will take no further action to grant this application.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.⁶ Persons wishing to file comments regarding the adequacy or accuracy of **NGS Telecommunications, Inc.**'s application requesting status as an ETC must do so no later than **September 20, 2002**. Reply comments must be filed no later than **September 25, 2002**. All filings concerning any of the matters referenced in this Public Notice should refer to NSD file number **ETC 02-05**. All comments should also be served on the Applicant.

Interested parties should file an original and four (4) copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 12th St., SW, Room TW-A325, Washington, D.C. 20554. In addition, parties should send one (1) copy to Quallex

³See 47 C.F.R. § 1.5004.

⁴See 47 C.F.R. § 1.5003.

⁵See 47 C.F.R. § 1.5005.

⁶See generally 47 C.F.R. §§ 1.1200 - 1.1216.

International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com, and two (2) copies to Carmell Weathers, Wireline Competition Bureau, Competition Policy Division, FCC, 445 12th Street, SW, Room 6-A207, Washington, D.C. 20554. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

Interested parties who wish to file comments via messenger-delivery or hand-delivery are also notified that effective December 18, 2001, the Commission will only receive such deliveries weekdays from 8:00 a.m. to 7:00 p.m., via its contractor, Vistronix, Inc., located at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. **The Commission no longer accepts these filings at 9300 East Hampton Drive, Capitol Heights, MD 20743.** Please note that all hand deliveries must be held together with rubber bands or fasteners, and envelopes must be disposed of before entering the building. In addition, this is a reminder that as of October 18, 2001, the Commission no longer accepts hand-delivered or messenger-delivered filings at its headquarters at 445 12th Street, SW, Washington, DC 20554. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service (USPS) Express and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location is open weekdays from 8:00 a.m. to 5:30 p.m. USPS First-Class, Express, and Priority Mail should be addressed to the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554. The following chart summarizes this information:

TYPE OF DELIVERY	PROPER DELIVERY ADDRESS
Hand-delivered or messenger-delivered paper filings	236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (Weekdays - 8:00 a.m. to 7:00 p.m.)
Other messenger-delivered documents, including documents sent by overnight mail (this type excludes USPS Express and Priority Mail)	9300 East Hampton Drive, Capitol Heights, MD 20743 (Weekdays - 8:00 a.m. to 5:30 p.m.)
USPS First-Class, Express, and Priority Mail	445 12 th Street, SW Washington, DC 20554

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at qualexint@aol.com.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), cweather@fcc.gov or John Adams, (202) 418-0394 (voice), jkadams@fcc.gov, of the Composition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. You may also find more information about Exempt Telecommunications Companies at the Competition Policy Division website: http://www.fcc.gov/wcb/cpd/other_adjud.

-FEDERAL COMMUNICATIONS COMMISSION-

